

**Alabama Rivers Alliance ♦ American Bottom Conservancy ♦ American Rivers
Amigos de Bolsa Chica ♦ Apalachicola Riverkeeper ♦ Buford's Landing Hunting Club
Butte Environmental Council ♦ Committee on the Middle Fork Vermilion River
Department of the Planet Earth ♦ Endangered Habitats League
Environmental Action Committee of West Marin ♦ Florida Wildlife Federation
Friends of the Santa Clara River ♦ Great Egg Harbor Watershed Association
Gulf Restoration Network ♦ Izaak Walton League of America ♦ Lone Tree Council
Memphis City Schools & TN TP3 Green School ♦ Minnesota Conservation Federation
Missouri Coalition for the Environment ♦ National Wildlife Federation
Northwest Environmental Advocates ♦ Ohio River Foundation
Pacific Marine Conservation Council ♦ Passaic River Coalition
Potomac River Association ♦ Quadcities Citizens Against Triumph ♦ Rivers Unlimited
Rivers Alliance of Connecticut ♦ Raritan Riverkeeper ♦ South Dakota Wildlife Federation
South Yuba River Citizens League ♦ Surfers' Environmental Alliance
Surfrider Foundation ♦ Tujunga Watershed Council
Western Lake Erie Waterkeeper Association ♦ Yell County Wildlife Federation**

June 5, 2008

Via Email

Mr. Larry Prather, Assistant Director of Civil Works
HQUSACE, Attn: P&G Revision
CECW-ZA
441 G Street, NW
Washington DC 20314-1000

Dear Mr. Prather:

The undersigned national, regional and local conservation organizations appreciate the opportunity to provide comments and suggestions as the Secretary begins a process to revise and update the now quarter-century-old Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies. This is an extremely important process that will help bring the Nation's water resources project planning into the 21st Century.

Each of our organizations has extensive experience with the project planning and implementation processes of the U.S. Army Corps of Engineers (Corps). Our organizations also have a long history of working to improve the Corps' project planning process, and strongly supported passage of the Corps reform provisions in the Water Resources Development Act of 2007 (WRDA), including the requirement to revise the Principles and Guidelines, because we believe the current system is failing to responsibly address the Nation's current and future water resource needs.

The Revision Process Is Unacceptably Truncated and Limited

The Conservation Organizations believe that the process set forth in the May 8, 2007 Federal Register notice is both severely truncated and lacking in the open and thoughtful deliberation that is essential for accomplishing the purposes established in the Water Resources Development Act of 2007 (WRDA).

We urge the Secretary to solicit – and fully consider – public comment throughout the revision process for the Principles and Guidelines (P&G). We also urge the Secretary to ensure that public comment regarding suggestions for revising the Principles and Standards will continue to be accepted and considered throughout the initial stages of the P&G revision process. The less than 30 day public review period provided in the May 8 Federal Register notice is far too short to allow meaningful public input on such a complex and important issue.

It has been 25 years since the P&G have been updated and revised. During that time the Nation has experienced major changes in our economy, environment, and water resource needs. These changes mandate a fundamental transformation in the direction of the P&G; a transformation that was clearly recognized by Congress in WRDA 2007.

Congress established a new national policy for water projects in section 2031(a) of WRDA 2007. This new national policy requires that Corps projects reflect national priorities, encourage economic development, and protect the environment. The P&G are to achieve these goals by, among other things: (1) seeking to maximize sustainable economic development; (2) seeking to avoid the unwise use of floodplains and flood-prone areas and minimizing adverse impacts and vulnerabilities where such areas must be used; (3) protecting and restoring the functions of natural systems; and (4) mitigating any unavoidable damage to natural systems. This new national policy requires that Corps projects place a significantly stronger emphasis on protecting healthy rivers, floodplains, wetlands and coastal environments that protect and sustain communities.

Congress clearly contemplated a full, open, and comprehensive deliberative process in revising the P&G, as Congress directed the Corps to consult with other federal agencies and the public, allowed a full two years for the undertaking, and specified that the revised P&G implement new policies and utilize new approaches and methodologies. Proper implementation of these new policies and approaches will require a careful and considered evaluation of: the provisions of the existing P&G that would work against the new policies; current methods of planning and valuation; and the Nation's future water resources needs, particularly in light of the impacts of increasing urbanization and global climate change.

Against this backdrop, the Conservation Organizations believe the Secretary's proposed plan to release draft revisions this summer fails utterly to provide for the open deliberation that is necessary to the revision process. We are equally concerned that the truncated and relatively closed process will unduly narrow the scope of the evaluations and considerations that are essential for producing the next generation of the P&G. These concerns are all the more pressing as we understand that the Secretary has already delivered a draft of proposed revisions to other

federal agencies with no advance opportunity for input and very little time to respond with comments.

We are also concerned that the stated plan to separate the Principles and “Standards” section from the remainder of the Guidelines would improperly bifurcate consideration of basic elements that are best considered together. These include such things as how best to change the Nation’s approaches to floodplain management, protect and restore the functions of natural systems, and utilize non-structural approaches to water resources development and management in light of new national policies.

Critically, the process proposed thus far would allow virtually no opportunity for the vitally important assessment and evaluation needed to ensure that problems created by the existing P&G are not carried over into the new P&G. The current P&G have been utilized for more than 25 years, and it is clear that they have had profound impacts on the Nation’s water resources development, including profound adverse impacts on the environment. A thoughtful and rigorous assessment of the role that the current P&G have had in promoting the degradation of our Nation’s water resources is essential for ensuring that the revised P&G do not continue those problems.

For example, it is essential to understand why non-structural approaches to solving water resources problems have been used in so few circumstances during the past 25 years in order to overcome any bias against non-structural approaches in the revised P&G. It is also essential to understand what, in the P&G, has led to so many exaggerated navigation traffic estimates that failed to materialize after projects were completed. The P&G revision process should seek to identify additional questions like these to ensure the most effective improvements to the P&G. Such look-back studies should become a routine process for informing future Corps project planning.

Sound revisions to the P&G also require a clear understanding of the overarching water resources issues and challenges currently facing the Nation. This may require commission of key studies, and clearly will require the engagement of a broad range of experts, academics, economists, scientists, other federal agencies and governmental entities, and the public. The Secretary should also ensure adequate time to address the numerous problems with the P&G that have been identified in reports issued by the National Research Council of the National Academies, the Government Accountability Office, and the Department of the Army Inspector General. These important steps cannot be accomplished in the approximately one month that has been allowed in the current schedule.

We also note that when it developed the original Principles and Standards, the Water Resources Council had the benefit of substantial expert and contemporary analysis provided by federal agencies, experts, and the public. This included the findings and recommendations of a five-year study carried out by the National Water Commission, “Water Policies for the Future.” This study explored the past and present state of U.S. water resources development and provided a detailed analysis of the Nation’s future water resources development needs. In carrying out that report, the National Water Commission had contracted for more than 60 substantive reports and background studies to inform both its recommendations and the planning recommendations of

the Water Resources Council. Indeed, each time the Principles and Standards and the P&G have been revised in the past, the process has included substantial gathering of information, formal studies, workshops, public hearings, and many opportunities for the public to be involved each step of the way.

We urge the Secretary to take the fullest possible advantage of the important and long awaited opportunity to revise the P&G by formulating a well-designed, open and deliberative process to inform the revision process. We also urge the Secretary to ensure that the final revisions are fully coordinated and integrated with other federal water agency programs and formulated so that they can be easily adopted by the other water resources agencies.

Revisions to the Principles and Guidelines Should Fundamentally Transform the Current Approach to Water Resources Project Planning

Our organizations believe that the Nation requires a fundamentally new approach to water resources project planning that places the primary emphasis of project planning on protecting and restoring the Nation's water resources. We urge that the revisions to the P&G produce this vital shift.

For decades, the Nation has invested in water resources projects in an effort to fuel economic development, and to protect local communities through structural projects designed to control flooding and manipulate river systems and coastlines. While these approaches have produced some positive economic benefits for the Nation, they have also caused significant damage to the nation's rivers, streams, and wetlands. This in turn has caused major and significant damage to fish and wildlife, increased the flood risk for many communities, reduced water quality, impaired recreational opportunities, and damaged economies that rely on a healthy environment.

The transformation of the nation's rivers brought about by Corps levees, dams and dredging projects are among the leading reasons that North America's freshwater species are disappearing five times faster than land based species, and as quickly as rainforest species.¹ Indeed, the damage is so widespread that the National Research Council has called for the establishment of a national goal to restore riparian functions along America's rivers.²

The Corps' current approach to project planning is not ensuring protection of the environment despite the Corps' explicit environmental protection mission and specific environmental restoration programs and projects. To the contrary, two National Academy of Sciences panels and the Department of the Army Inspector General have concluded that the Corps has an institutional bias for approving large and environmentally damaging structural projects, and that its planning process lacks adequate environmental safeguards.³ Less environmentally damaging,

¹ Ricciardi, Anthony and Rasmussen, Joseph B., "Extinction Rates of North American Freshwater Fauna"; *Conservation Biology*; 13 (5), October 1999, at 1220.

² National Research Council, Riparian Areas: Functions and Strategies for Management, 2002, at 2. The National Research Council has concluded that protecting and restoring riparian areas will have a "major influence on achieving the goals of the Clean Water Act, the Endangered Species Act, and flood damage control programs."

³ National Research Council, New Directions in Water Resources Planning for the U.S. Army Corps of Engineers, 1999, at 4, 21, 61-63; National Research Council, Inland Navigation System Planning: The Upper Mississippi

less costly, nonstructural measures that would result in the same or better outcomes are routinely ignored or given short shrift. This results in projects that are unnecessarily destructive, costly, and in many cases, simply not needed.

In some instances, economic development projects have caused unintended consequences that have put entire communities at risk. The potential dangers from such unintended consequences were made tragically clear in the aftermath of Hurricane Katrina. Corps projects along the Mississippi River are a well recognized cause of the enormous – and clearly unintended – loss of coastal Louisiana wetlands that were not available to buffer Hurricane Katrina’s storm surge before it reached the New Orleans area. The Corps-built Mississippi River Gulf Outlet greatly exacerbated the hurricane’s impacts by funneling and intensifying the storm surge into New Orleans. Corps flood protection projects in New Orleans encouraged the development of high-risk areas that suffered the brunt of the flooding. And the city’s fate was sealed by improperly designed levees and floodwalls that were supposed to protect New Orleans, but did not.

Many of these problems can be traced to the fact that the current P&G – which have directed our water resources development for 25 years – focus almost exclusively on maximizing National Economic Development at the expense of the environment. The existing damage to our Nation’s water resources, and the increasing need for healthy rivers, streams, wetlands and coastlands to buffer the unavoidable impacts of climate change, demand a major new approach to water resources project planning.

Our organizations believe that minor alterations to the P&G will not achieve this result. Instead, a new paradigm is needed that places the primary emphasis of water project planning on protecting and restoring the Nation’s water resources. We urge that the revisions to the P&G produce this vital shift.

***The Unavoidable Impacts From Global Warming Increase the Already
Critical Need for Protecting and Restoring the Nation’s Waters***

A water resource project planning process that continues to give short shrift to the vital importance of the nation’s water resources will lead to increasingly dire consequences as the world’s climate continues to change. One of the greatest threats from global warming will be the disruption of water supplies, and it is now well recognized that climate change will lead to increased droughts in some parts of the country and increased flooding in others.

Warmer temperatures nationwide will increase evaporation, which in turn will lower surface water levels and groundwater recharge in many places. Some regions of the country will experience more intense and more frequent droughts. Decreases in water availability will put further pressure on existing supplies and will encourage overuse of groundwater resources and destruction of rivers through the construction of new dams.

While water shortages will affect some regions, excessive rainfall will plague others. More frequent and powerful storms will increase flooding in parts of the country. Earlier snowmelt

River-Illinois Waterway, 2001, at 25-28; 53-54; US Army Inspector General, Report of Investigation, Case 00-019, 2000, at 7-8.

and increased winter and spring rains will also lead to increased flooding that will put communities at risk. Floods will also flush more nutrients, toxics and other contaminants into the nation's waters, threatening human and ecosystem health.

Healthy rivers, streams, floodplains, and wetlands provide an essential buffer to the increased storms, floods, and droughts that we will see as the earth's climate continues to change. These systems act as natural sponges and basins. They absorb flood waters and act as barriers between storm surges and homes, buildings, and people. Healthy wetlands help minimize the impacts of drought by recharging groundwater supplies and filtering pollutants from drinking water. These resources also provide critical habitat for fish and wildlife, and exceptional recreational opportunities.

Necessary Revisions to the Principles and Guidelines

The nation can no longer afford the status quo – or some minor amendment to the status quo – approach to planning water resources projects. To the contrary, a healthy future demands a fundamentally different approach to project planning based on at least the following key principles:

- (1) Maintaining and restoring the health of our nation's rivers, streams, and wetlands – and the many ecosystem services that they provide – is the highest priority for project planning. All projects shall be designed to work with, and maintain, the integrity of natural systems (including a rivers' natural instream flow) to the maximum extent possible.
- (2) No project shall be proposed or constructed unless it has been fully and comprehensively evaluated to ensure that the project will not put the public at risk. This must include an assessment of the potential for unintended consequences (for example, flood protection or navigation projects that increase flood heights downstream, unacceptably low levels of protection from structural flood control projects, funneling storm surge through navigation channels, inadequate design and construction techniques that could lead to catastrophic structural failures).
- (3) No project shall be proposed or constructed unless the Corps has fully and independently analyzed, evaluated, and properly defined, the problem that needs to be addressed. For example, when a community or interest group maintains that there is a flooding problem that must be resolved, the Corps should fully examine whether there in fact is a problem that needs to be addressed, and whether the actual problem is one that is appropriate for resolving through federal investment. For example, we would posit that repeated high water on low lying agricultural land is not a flooding problem. Instead, the problem is more properly defined as the natural system limiting agricultural income. In such a case we would also argue that addressing that "problem" by constructing a project to increase agricultural income is not an appropriate investment of federal resources, particularly when the environment must be damaged to do so. Similarly, in evaluating a so-called flooding "problem," the Corps should independently investigate whether it is actually more beneficial to allow the natural flooding process to take place.

- (4) No structural project shall be constructed if a non-structural approach would solve the problem. If there is a way to address the properly defined problem through non-structural approaches, then the study of structural approaches *should not proceed*. For example, would upstream wetland and stream restoration resolve a downstream flooding problem? Could traffic congestion on a river be addressed through scheduling or crew training instead of through construction of new locks?
- (5) If a portion of the problem could be addressed through non-structural approaches then any further study should include those non-structural approaches as the first and mandatory elements of any plan recommended by the Corps. In such cases, structural approaches should be used only to the extent that they are needed to address the remainder of the properly defined problem.
- (6) Projects that encourage development in undeveloped floodplain areas shall not be considered or constructed.
- (7) Future trends shall be used to economically justify a project only if the projected future trends are based on established and demonstrated current trends and are projected for only limited periods into the future.

Our organizations urge that the P&G be revised to establish, and ensure implementation of, these key principles. We recognize that many additional key principles and important proposals are likely to be identified as the P&G revision process moves forward.

Conclusion

The Conservation Organizations believe that the Nation requires a fundamentally new approach to water resources project planning that places the primary emphasis of project planning on protecting and restoring the Nation's water resources. We urge that the revisions to the P&G produce this vital shift, and that the Secretary establishes a full and open process for ensuring the most effective revisions to the long-outdated P&G.

Sincerely,

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